

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERRY DONELL GALLOWAY,
Plaintiff,
v.
CHRISTIAN PFIEFFER, et al.,
Defendants.

No. 1:22-cv-00737 JLT GSA (PC)

FINDINGS AND RECOMMENDATIONS

ORDER RECOMMENDING MATTER BE
DISMISSED FOR FAILURE TO FILE
NOTICE OF CURRENT ADDRESS WITH
COURT

PLAINTIFF'S OBJECTIONS DUE IN
FOURTEEN DAYS

Plaintiff, a former state prisoner¹ proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

For the reasons stated below, the undersigned will recommend that this matter be dismissed for failure to file a current address with the Court. Plaintiff will have fourteen days from the date of this order to file objections to it.

I. RELEVANT FACTS

On July 29, 2024, Plaintiff was ordered to file a notice of change of address with the

¹ On September 22, 2023, a notice of change of address filed by Plaintiff was docketed. ECF No. 11. In it, the new address Plaintiff provided appears to indicate that he is no longer incarcerated. See id.

1 Court. ECF No. 12. The order was issued in an effort to verify Plaintiff's current address given
2 the extended period of time that had passed since the matter had been filed. Id.

3 On August 6, 2024, the Court's order was returned to it marked "Undeliverable, No Mail
4 Receptacle." Since then, more than sixty-three days have passed and Plaintiff has not filed a
5 notice of change of address with the Court. See, e.g., Local Rule 183(b).

6 II. DISCUSSION

7 Although the order that directed Plaintiff to file a notice of current address was returned,
8 he was properly served. It is a plaintiff's responsibility to keep the Court apprised of his current
9 address at all times. See Local Rule 183(b). Moreover, pursuant to Local Rule 182(f), service of
10 documents at the record address of the party is fully effective. For these reasons, it will be
11 recommended that this matter be dismissed.

12 Accordingly, IT IS HEREBY RECOMMENDED that this matter be DISMISSED without
13 prejudice for failure to file a notice of current address with the Court.

14 These findings and recommendations are submitted to the United States District Judge
15 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
16 after being served with these findings and recommendations, Plaintiff may file written objections
17 with the Court. Such a document should be captioned "Objections to Magistrate Judge's Findings
18 and Recommendations," and it shall not exceed fifteen pages.

19 The Court will not consider exhibits attached to the objections. To the extent that a party
20 wishes to refer to any exhibit, when possible, the party must reference the exhibit in the record by
21 its CM/ECF document and page number or reference the exhibit with specificity. Any pages filed
22 in excess of the fifteen-page limit may be disregarded by the District Judge when conducting the
23 28 U.S.C. § 636(b)(1)(C) review of the findings and recommendations. A party's failure to file
24 objections within the specified time may result in the waiver of certain rights on appeal. See
25 Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014); Martinez v. Ylst, 951 F.2d 1153 (9th
26 Cir. 1991).

IT IS SO ORDERED.

Dated: **October 21, 2024**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE